

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
August 8, 2019
7:00 pm

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

Charles C. Farrior, Jr., Mayor
Council Member/Mayor Pro-Tem Warren Hepler
Council Member Frank Brinkley
Council Member Wannetta Carlton
Council Member Jeff Carter
Council Member Jason Wells

The following members of the Governing Body were absent:
NONE

Also Present were:

Jackie Nicholson, Town Clerk	Mike Sykes, Duke Energy Progress, Project Manager
Anna Heath, Town Attorney	Clint Cogburn, Attorney
Jimmy Crayton, Police Chief	Richard C. Kirkland, Jr., MAI, Commercial Appraiser
Shameshia Fennell, Finance Director	Emily McCrorie, Associate Project Developer
Rod Fritz, Planning Director	Rich Sandifer, PE, Consulting Engineer
Gage King, Airport Manager	Thomas Spearman
Chris Martin, Tax Administrator	William Brooks
Ricky Raynor, Collection & Distribution System Supervisor	Davis Carr
Sharon Robison, Library Director	Francisco Rivas-Diaz
Peggy Updike, Acting Public Services Director	Sandy Forehand
Jerry James	Felix Herring
Tracey Ray, Safe Haven	Darlene Joyner
Sonia Royes, Catholic Charities	Joseph Merritt
Stephanie Austin, Duke Energy Progress	Ranae Merritt
Millie Chalk, Duke Energy Progress- District Manager	Abby Cavanaugh, Duplin Times

Mayor Charley Farrior called the regular meeting to order with a quorum of the governing body members present. The invocation was given by Council Member Frank Brinkley who asked all those in attendance to stand up and join hands.

The Pledge of Allegiance was recited.

Adoption of the Agenda

Mayor Farrior called for discussion of the agenda and asked that a closed session be added at the end of the meeting for a personnel matter and that item number six (6), Award Pre-Position Storm Debris Removal Contract be removed. Council Member Wannetta Carlton made a motion to adopt the agenda as amended. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Public Comment Period

Ms. Darlene Joyner said that she had evidence that one of her neighbors was putting human waste in the ditch. Ms. Joyner provided the locations and Mayor Farrior said that someone would look into this matter.

Ms. Sonia Royes, Family Case Manager with Catholic Charities said that there would be a Hurricane Expo at the Campbell Center on Saturday from 10am to 4pm to continue providing assistance for victims of Hurricane Florence. Ms. Tracey Ray of Safe Haven Domestic Violence Shelter Pender County said domestic violence services would be available.

Ms. Ranae Merritt announced the *Jesus Jam* at the Depot on Saturday, August 17 from 4pm to 8pm.

Presentations/Proclamations

Mikes Sykes, Project Manager, Duke Energy Progress, made a presentation regarding substation flood protection. Mr. Sykes said that the objective was to implement flood mitigation solutions prior to the next big storm. He explained the proposed solutions and had some examples of other similar projects.

Consent agenda

Minutes from the July 11, 2019 monthly meeting

Mayor Farrior called for discussion of the minutes Council Member Jason Wells made a motion to approve the minutes as submitted. The motion was seconded by Council Member Jeff Carter and approved by unanimous vote.

Tax Report

Tax Administrator Chris Martin presented the Tax Report for the period ending August 8, 2019 and said that collections were down 6.16% compared to the 10-year overall. He added that \$1,857.22 was collected from payment plans and \$744.34 from foreclosure payments. Mr. Martin said that the tax scrolls have yet to be received but should be in any day now and the Southern Software conversion should go much more quickly than in the past.

Tax Releases

There were no tax releases.

Budget Amendments

Finance Director Shameshia Fennell presented Budget Amendment #2 for purchasing 25 MPH Speed Limit signs and #3 for the copier lease for the Planning Department, tags and titles for new vehicles in Public Services.

Council Member Warren Hepler made a motion to approve budget amendment #3 that was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Wells made a motion to approve budget amendment #2. The motion was seconded by Council Member Hepler and approved by unanimous vote.

PUBLIC HEARINGS

Application for Amendment to Town Zoning Map

Council Member Wells made a motion to open a public hearing. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Town Planner Rod Fritz stated that the applicant has requested that property located on South US Hwy 117 be rezoned from R-6 (residential, minimum lot size 6,000 sq. ft.) to RA-20 (residential, agricultural, minimum lot size 20,000 sq. ft.). Mr. Fritz said that the 19.95 acres are owned by Thomas Spearman and the request was approved by the Planning Board at their June 25 meeting.

Council Member Carter made a motion to close the public hearing that was seconded by Council Member Wells and approved by unanimous vote.

Council Member Hepler made a motion to approve an amend the Town zoning map for these 19.95 acres from R-6 to RA-20. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Public Hearing for Application for Special Use Permit (SUP) to construct a Solar Farm

Prior to opening the public hearing for a special use permit Mayor Farrior asked Town Attorney Anna Heath to explain what quasi-judicial means. Ms. Heath said that it is much like a court proceeding. All testimony is sworn, witnesses must qualify as "expert" and decisions are based on witness testimony and evidence presented.

Council Member Wells made a motion to open a public hearing. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

The witnesses were sworn in. Mr. Clint Cogburn, Attorney, said that the evidence and testimony presented would show that the proposed project would be the highest and best use of the currently vacant property located on US Hwy 117 S across from Murphy Family Ventures and that the SUP would comply each of the requirements of the Town's Unified Development Ordinance. Ms. Emily McCrorie, Associate Project Developer for Cypress Creek Renewables, testified overall that the project is a typical solar farm and said that upon decommissioning of the facility is specifically addressed in the lease and covered by the Town Ordinance. Mr. Rich Sandifer, PE, Consulting Engineer, testified that the technology is tried and true, does not increase stormwater runoff and poses no public health and safety risks. Mr. Richard C. Kirkland, Jr., MAI, Commercial Appraiser, testified that the development would maintain or enhance the value of contiguous property. Mr. Kirkland asked that his report be included in the record. Attorney Cogburn summarized that the proposed development meets all the requirements of the UDO and is consistent with the Town's Land Use Plan.

Council Member Wells made a motion to close the public hearing that was seconded by Council Member Brinkley and approved by unanimous vote.

The Council discussed each of the four (4) General Standards/Findings of Fact (listed below) and some additional conditions.

1. The use or development is located, designed, and proposed to be operated so as to maintain the public health, safety and general welfare.
2. The use or development complies with all required regulations and standards of this Ordinance, including all applicable provisions of Chapters 4, 5 and 6 and all applicable regulations.
3. That the use or development is located, designed and

proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and 4. That the use or development confirms with the general plans for the physical development of the Town as embodied in the Town's Comprehensive Plan.

Council Member Wells made a motion to approve a Special Use Permit for the construction of a Solar Farm with the following conditions: review and approval by the North Carolina Department of Transportation (NCDOT) for a driveway permit and review and approval of the final landscaping plan by the Town's Planning Department. The motion was seconded by Council Member Carter and approved by unanimous vote.

Old Business

Award contract for WWTP disc filter area repair

Mr. Jerry James said that bids were opened for disc filter area repairs for damage from Hurricane Florence. Mr. James stated that the low bidder does not have the required credentials and recommended the bid be awarded to the second lowest bidder, T.A. Loving.

Council Member Hepler made a motion to award the contract to T.A. Loving Company in the amount of \$87,500. The motion was seconded by Council Member Wells and approved by unanimous vote.

Approval of renewal contract with Tons of Trash

Attorney Heath said that she had changed the proposed contract with Tons of Trash including all the requested components and asked the Council for approval.

Council Member Brinkley made a motion to approve the Amendment to Contract Between Town of Wallace and Chesley Houston Individually and DBA Tons of Trash which was seconded by Council Member Carlton and approved by unanimous vote.

New Business

Duplin County Interlocal Agreement (ILA)

Ricky Raynor, Distribution & Collections System Supervisor, asked for Council approval of an Interlocal Water Purchase Agreement Between DCWD Water District D and Town of Wallace whereby the Town could purchase water from Duplin County. Mr. Raynor said that a meter will be this is only for emergency situations.

Council Member Wells made a motion to approve the agreement. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Establish Public Hearings for Annexation

Town Planner Fritz stated that two (2) applications for annexation had been received and asked the Council to establish public hearings and to direct the Town Clerk to determine the sufficiency of the petitions.

Council Member Hepler made a motion to establish public hearings to consider two (2) petitions of annexation after 7:00 pm on Thursday, September 12, 2019 and to direct the Clerk to determine the sufficiency of the petitions. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Update on Duke Energy Nature Grant Application

Planning Director Fritz provided the Council with an update on a grant application prepared with the help of Georgia Farrior, Friends of the Wallace Parks to update the Boney Mill Pond Park master plan, start the first phase of trail development and a couple of other items. Mr. Fritz also asked the Council to approve his submittal of a letter of intent for a 2019 Environmental Enhancement Grant (EEG).

Council Member Wells made a motion to approve the submittal of a letter of intent for a 2019 EEG. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Discussion of Boney Mill Pond Properties

Planning Director Fritz said that with some upgrading to the Rose house it could become an income producing property. New appliances have already been purchased, with some clean up and replacing the HVAC it could rent for approximately \$775 per month. Mr. Fritz said he had received four (4) bids for the HVAC with the lowest bid being in the amount of \$5,930 submitted by Glenn Gideon Heating and Cooling.

Council Member Wells made a motion to accept the bid from Glenn Gideon Heating and Cooling which was seconded by Council Member Carter and approved by unanimous vote.

Mr. Fritz said a bid in the amount of \$7,000 had been received to demolish the old Harvell building but there is an interest in rehabbing the building and opening a bait and tackle shop. The verbal

proposal was received after the agenda was distributed. The Council considered whether or not to demolish the building.

Council Member Wells made a motion to not demolish the Harvell building at this time. The motion was seconded by Council Member Carlton and approved by a 3-2 vote with Carter and Hepler voting no.

After a risk inspection of the grist mill at Boney Mill Pond by the North Carolina League of Municipalities (NCLM). The Loss Prevention Consultant recommended that access to the grist mill be physically blocked off and posted to keep the public away. The Council determined that they did not want a chain link fence and directed Mr. Fritz to get some information on a wood fence.

Mr. Fritz presented a contract amendment with US Cellular for the addition of two (2) antennas increasing the monthly fee \$634.00. Attorney Heath had amended the contract to include the number of antennas rather than "additional equipment". A question arose whether US Cellular would be adding two (2) or three (3) antennas as they had requested installation of three (3) additional brackets on the water tank. Ricky Raynor and Rod Fritz both left the meeting to get an answer.

Council Member Carlton made a motion to table action on US Cellular which was seconded by Council Member Wells but ultimately failed.

When Mr. Raynor and Mr. Fritz returned to the meeting it was confirmed that there would be two (2) additional antennas.

Council Member Wells made a motion to approve the amendment to the contract which was seconded by Council Member Brinkley and approved by unanimous vote.

Amend Surplus Property Ordinance

Town Clerk Jackie Nicholson presented a request to amend the Town's ordinance regarding the disposal of surplus property asking that the amount allowable for disposition by the Town Manager be increased from \$500 to \$15,000.

Council Member Carter made a motion to amend Chapter 35 Section 35.30 of the Town of Wallace Code of Ordinances to change the value of property to be disposed of by the Town Manager from less than five hundred dollars (\$500) to less than fifteen thousand dollars (\$15,000). The motion was seconded by Council Member Hepler and approved by unanimous vote.

Financial Reports

Finance Director Fennell presented the financial reports for the month. Ms. Fennell said they were titled FY 2018/2019 because the usage was in June and money collected in July.

Hurricane Florence Report

Finance Director Fennell pointed out that funds for pump rentals had been obligated and funds for the Town Hall generator had been received.

Council Reports

Council Member Hepler mentioned a stop sign that needed some attention.

Mayor's Report

There were no Mayor's items.

Department Head Reports

Gage King, Airport Manager, reported that he has a scheduled meeting with NCDOT regarding airport expansion on August 30.

Jimmy Crayton, Police Chief, said it was a busy month and announced the upcoming retirement of Sergeant Herbert Stroud.

Sharon Robison, Library Director, reported that a new Children's Librarian has been hired Jackie Nicholson, Town Clerk, stated that there was a lot more on her report this month than last.

Jason Wells reported that the Fire Department is still on weekend duty and conducting hose testing.

Closed Session

Council Member Wells made a motion to go into closed session (G.S.143-318.11(a)(6)) to discuss candidates for Town Manager. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Mayor and Council discussed the results of the background checks and considered their next step. They concluded that a second interview is in order.

Council Member Hepler made a motion to end the closed session that was seconded by Council Member Wells and approved by unanimous vote.

With there being no other business to discuss at this time, Council Member Wells made a motion to continue the meeting until Thurs., August 22, 2019 at 6:00 pm. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Respectfully submitted,

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, CMC, NCCMC
Town Clerk

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #2
BATCH 30312
FOR BUDGET 2019-2020**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2020:			
Section I:	General Fund		
<u>Revenues:</u>			
Account Number	Account Description	Increase	Decrease
10-3830-000	Sale of Fixed Assets		\$4,500.00
Section II:	General Fund		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
10-5600-740	Capital Outlay - Equipment	\$4,500.00	
	TOTAL:	\$4,500.00	\$4,5000.00

Section III: **Copy to Finance Director:**

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 8th day of August, 2019

Attest: _____
Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #3
BATCH 30313
FOR BUDGET 2019-2020**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2020:			
Section I:	General Fund		
<u>Revenues:</u>			
Account Number	Account Description	Increase	Decrease
10-3350-16	Insurance Proceeds		\$3,625.00
Section II:	General Fund		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
10-5100-160	Maint/Repair Equipment	\$1,500.00	
10-5100-170	Maint/Repair Vehicles	\$1,500.00	
10-5100-327	Office Furniture	\$625.00	
10-5400-600	Copier Lease	\$400.00	
10-5000-020	Salaries Building		\$400.00
Section III:	Water & Sewer Fund		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
30-8100-741	Capital Outlay Vehicle	\$760.00	
30-8300-741	Capital Outlay Vehicle	\$585.00	
30-8200-741	Capital Outlay Vehicle		\$1,345.00
	TOTAL:	\$5,370.00	\$5,370.00

Section III: Copy to Finance Director:

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 8th day of August, 2019

Attest: _____
Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

DISPOSITION OF PROPERTY ORDINANCE AMENDMENT

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina, that pursuant to NCGS § 160A-266(c), Chapter 35: Finance, franchises, and Contracts; Disposition of Property, Section 35.30 Authority of the Town of Wallace's Code is hereby amended by changing the value of the property to be disposed of by the Town Manager from less than five hundred dollars (\$500) to less than fifteen thousand dollars (\$15,000).

The language is hereby amended by inserting the underlined language as follows:

DISPOSITION OF PROPERTY

§ 35.30 AUTHORITY.

The Town Manager is hereby authorized, pursuant to G.S. § 160A-266(c), to dispose of any surplus personal property owned by the town, whenever he or she determines, in his or her discretion, that:

- (A) The item or group of items has a fair market value of less than \$15,000;
- (B) The property is no longer necessary for the conduct of public business; and
- (C) Sound property management principles and financial considerations indicate that the interest of the town would be best served by disposing of the property.

Duly adopted this the 08 day of August, 2019.

By: _____

Charles C. Farrior, Jr., Mayor

Attest:
